

# EXHIBIT D

**Lance Raphael**

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**From:** Mark D. Belongia [mbelongia@belongiashapiro.com]  
**Sent:** Monday, May 12, 2008 9:35 AM  
**To:** Lance Raphael  
**Cc:** Stacy Bardo; 'Nate Sinn'  
**Subject:** Flores v. Diamond Bank

Lance,

Regarding depositions in the above case, please issue subpoenas for deposition to third parties Barry Rustin and Larry Ligas. We do not represent either gentleman. You already have the contact information for Barry Rustin and we have previously provided you with Mr. Ligas's contact information at his employer company in our Amended 26(a)(1) disclosures and we also gave you his personal cellular phone number. Please let us know when you have confirmed their depositions as we will be at your office for same.

We request that Plaintiff's deposition proceed on May 22, 2008 at 10:00 a.m. at our office. Unless we hear back to the contrary by the end of business tomorrow, we shall notice her deposition accordingly. We expect to receive your client's answers to written discovery today.

We have no settlement offer at this time and have been instructed to continue with the litigation.

MDB

Mark D. Belongia  
Belongia & Shapiro, LLP  
53 W. Jackson Blvd.  
Suite 315  
Chicago, Illinois 60604  
Tel. (312) 662-1030  
Fax (312) 662-1040  
[www.belongiashapiro.com](http://www.belongiashapiro.com)

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